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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,421	06/13/2006	Thorsten Schraer	2086/45166/12-PCT-US	6428
279 7590 10/04/2007 Trexler, Bushnell, Giangiori, Blackstone & Marr, Ltd. 105 West Adams Street Suite 3600 Chicago, IL 60603			EXAMINER SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER
			3677	
			MAIL DATE	DELIVERY MODE
			10/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,421

Applicant(s)

SCHRAER, THORSTEN

Examiner

Flemming Saether

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Information Disclosure Statement

The IDS form filed on 1/9/2007 was blank. In other words, there were no references listed on the form.

Specification

The disclosure is objected to because of the following informalities: the specification requires revision to be put into proper US form. It requires the heading to the various sections and, the disclosure should not refer to the claims. Also, the title of the invention is not descriptive since it does not include any mention of the sealing material which is the crux of the invention.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: in claim 1, the next to last line, --is-- should be inserted after "metal sheet". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. In claim 1, line 3, there is not antecedent for "the setting" and similarly in lines 7-8 there is no antecedent for the displaced material.

Generally, it should be made clear that the combination with the metal sheet is only an intended use by using --capable of-- and --adapted to-- type language. In claims 3 and 4, there is no antecedent basis for the radially exterior region of the ribs. In claim 5, "or the like" is indefinite language. The claims were examined as best understood.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Textron Verbindungstechnik (Germany 200 12 097) in view of Kirrish (US 4,033,243). Assignee's prior patent discloses the features of the bolt including the underside of the head (12) having a threaded cylindrical support (14), webs (22) and a groove (20) wherein the bolt is intended to be pressed into a metal sheet material. However, it does not disclose the underside of the head including a rubber-elastic sealing material. Kirrish also discloses a bolt intended to be pressed into a sheet (see for example webs 68 in Fig. 7 or ribs 59 in Fig. 12) but, Kirrish further discloses a rubber-elastic sealing material (36) received in a groove (40) in the underside of the head (38). At the time the invention was made, it would have been obvious for one of ordinary skill

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in the art to provide the underside of the head of Textron with a groove provided with a rubber-elastic sealing material as disclosed in Kirrish in order to provide a seal between the bolt and sheet material as discussed Kirrish. The skilled artisan would have recognized to locate the groove radially outside the webs in Textron for the device to remain operative. Finally, the particular sealing materials are all known and would have been obvious to use in the combination.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Textron in view of Kirrish as applied to claim 7 above, and further in view of Damm (US 5,906,463). Damm discloses a sealing material located only at the outer edge of a bolt head (3). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the sealing material of modified Textron only at the outer edge of the bolt head as disclosed in Damm in order to protect that materials while at the same time providing a sealing function as discussed in Damm.

Conclusion

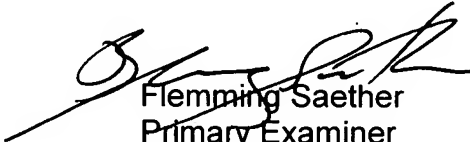
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Flemming Saether
Primary Examiner
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